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June 1, 2009

The Honorable Judge Andrew Austin  
United States District Court  
200 West Eighth Street  
Austin, TX 78701

Re: Civil Action No. 1:08-cv-00248-JRN; *Hitul Gandhi v. Dell Inc., et al*; In the  
United States District Court for the Western District of Texas, Austin Division

Dear Judge Austin:

At the hearing held on Friday, May 29, 2009, the Court asked if the Kronos records attached to Dell's Response to Plaintiffs' certification motions (and also used in the PowerPoint presented utilized by Dell's counsel at the hearing) had been produced prior to the filing of Dell's Response. The answer to the Court's question is "yes." Dell produced these Kronos records during the normal discovery process.

Of the individuals who have opted into this lawsuit, Dell has deposed the following fifteen individuals:

Name	Deposition Date
Joshua Barker	11/3/08
Shannon Brothers	10/15/08
Izetta Carson	12/18/08
Catherine Davis	10/15/08
Rasha Dowell	1/7/09
Hitul Gandhi	11/5/08
Parvin Greene	1/7/09
David Haley	11/3/08
Tommy Moore	10/15/08
Michelle Ricketts	10/15/08
Myron Schrouf	12/19/08
Nicholas Stewart	11/3/08
Tracie Webb	11/3/08
Kenneth Weir <sup>1</sup>	12/17/08
Daniel Wojciechowski	12/18/08

<sup>1</sup> Plaintiff Weir appeared for his deposition, but he decided at that time to remove himself from this lawsuit.

The Honorable Judge Andrew Austin  
June 1, 2009  
Page 2

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For all of the above-listed individuals, Dell produced personnel files, Kronos records, and pay stubs prior to their depositions. With the exceptions of Plaintiffs Carson, Schrouf, and Weir, Dell also produced any WOW records submitted by the above individuals prior to their depositions.<sup>2</sup>

Dell has also produced personnel files, Kronos records, WOW records (when applicable), and pay stubs for the following individuals, who have not been deposed:

Josh Clanton<sup>3</sup>  
Jamie Mendenhall  
Bradley Pate  
Russell Romriell  
Christopher Snead

The documents described above were all produced to Plaintiffs on or before January 5, 2009. Plaintiffs filed their Motion for Conditional Certification on January 30, 2009.

Sincerely,



Jeffrey C. Londa

JCL/ldw

cc: Mr. George A. Hanson

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<sup>2</sup> Dell subsequently produced Carson's, Schrouf's, and Weir's WOW records on January 5, 2009. Plaintiffs had the ability to modify their recorded time after a pay period closed in Kronos via a WOW request. See Defendants' Factual Appendix, Paragraph 21.

<sup>3</sup> Mr. Clanton's deposition was noticed for December 18, 2008, but he failed to appear.